

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-036

21 February 1984

MEMORANDUM FOR: Director, Intelligence Community Staff

FROM:

Chairman

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SUBJECT: Prepublication Review

REFERENCE: SECOM-D-017, dtd. 24 January 1984
Subject: 27 January White House Meeting on NSDD 84

1. Reference points out that there is a long history of implicit prepublication review requirements in secrecy agreements covering sensitive compartmented information (SCI). These generally have taken the form of a provision that the cleared individual would not discuss the pertinent information unless specifically authorized to do so by the authority granting the access approval. Since the approval could not be granted without knowing what information the signer proposed to divulge, this clearly constitutes a de facto prepublication review agreement.

2. Attached are examples of such agreements dating back to the early sixties. Their execution was a condition of access for all individuals granted SCI approvals, including military personnel and employees of agencies other than CIA and NSA.

3. The requirement to obtain official approval before disclosing sensitive intelligence is not a recent invention. It is, and has been, an indispensable feature of security systems designed to protect such information. There has never been a time limit on this obligation.

4. Although the media catch phrase "lifetime censorship" makes it sound unacceptable, it is a fact that thousands of Americans have willingly agreed not to divulge information vital to the national security without official approval. They have recognized the impossibility of trying to determine beforehand how long a secret must be kept.

5. Recent refinements of this concept in nondisclosure agreements reflect an effort to make explicit what has always been expected of recipients of sensitive intelligence.

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6. In the hearings on the use of nondisclosure agreements, it seems important to make the point that both Democratic and Republican

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administrations through the years have used agreements that required individuals, for an indeterminate time, to obtain official approval before revealing information related to sensitive intelligence.



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